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October 7, 2021

VIA ECF

The Honorable Mary Kay Vyskocil, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

USDC SDNY
DOCUMENT
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Re: Penske Media Corp. v. Shutterstock, Inc., 20-cv-4583 (MKV)

Dear Judge Vyskocil:

Pursuant to Your Honor's Case Management Plan and Scheduling Order, plaintiff Penske Media Corporation ("PMC") and defendant Shutterstock, Inc. ("Shutterstock") jointly submit this letter to request a brief extension of the fact discovery cut-off deadline in this action. As explained below, the parties do not request any corresponding extension of the expert discovery cut-off and the requested extension will, accordingly, not delay the overall discovery cut-off deadline, or the remaining case deadlines.

As the Court is aware, the parties have had a dispute regarding the schedule on which documents should be produced in this action. The parties have been working to resolve this issue and believe that extending the fact discovery cut-off will help facilitate this process. In addition, after the Court lifted the stay of discovery that had governed certain of PMC's claims, the parties devoted considerable time and energy to a settlement conference before Magistrate Judge Freeman, although the parties did not successfully resolve the dispute. Since then, PMC has served Shutterstock with updated initial disclosures identifying additional witnesses in connection with the previously stayed claims. In addition, after the discovery stay was lifted in July 2021, both parties learned that document discovery would be more onerous than previously anticipated. The delays in document discovery have, in turn, delayed depositions. For each of these reasons, the parties respectfully request that the Court allow them additional time to conduct fact discovery.

The current fact discovery deadline is November 24, 2021, and the expert discovery deadline is January 21, 2022. The parties request that the fact discovery deadline be extended to be coterminous with the expert discovery deadline, running in parallel. This schedule will allow the Court to keep the currently scheduled February 2, 2022 conference, as well as the related joint letter and any pre-motion letters regarding anticipated motions for summary judgment.



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Respectfully submitted,

MITCHELL SILBERBERG & KNUPP LLP

By: /s/ Eleanor M. Lackman

Eleanor M. Lackman

Attorneys for Shutterstock, Inc.

SHAPIRO ARATO BACH LLP

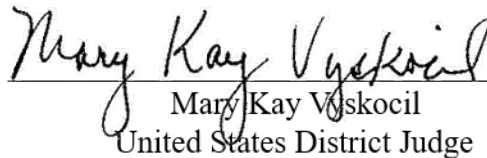
By: /s/ Cynthia S. Arato

Cynthia S. Arato

Attorneys for Penske Media Corporation

GRANTED. The deadline to complete fact discovery is extended to January 21, 2022. The Letter Motion filed at ECF No. 83 is DENIED without prejudice. The Parties are reminded that discovery disputes should be brought to the Court's attention with sufficient time to rule on them. No further extensions will be granted.

Date: 10/7/2021
New York, New York


Mary Kay Vyskocil
United States District Judge